

REMARKS

Claims 1-2, 5-23 and 51-74 are now pending in the application. With the filing of this request for continued examination, the following claim amendments are being submitted. Previously withdrawn Claims 24-29, and 31-50 are presently cancelled and new Claims 51-74 have been added. Claims 13 and 14 remain withdrawn for being drawn to a non-elected species. Claim 15 has been amended to address a mere informality, as the cancelled phrase was previously introduced into Claim 1, from which it depends. Pursuant to 37 C.F.R. §1.16(h) and (i) and MPEP 607(III), no excess claim fees should be due for the new claims. When the present application was filed, excess claim fees were paid for 50 total claims (30 in excess of a total of 20 claims) and 1 additional independent claim were paid for upon filing of the present application. With the present claim amendments, 3 independent claims and 45 total claims are pending, thus no additional fees should be due. However, should it be determined that excess claim or any other additional fees are due, the Commissioner is hereby authorized to charge Deposit Account No. 07-0960.

Support for the new claims can be found throughout the specification as originally filed and by way of non-limiting example at Paragraphs 37 and 49-56. No new matter has been added. Further, the new claims read upon the invention elected for prosecution (Invention I of the restriction requirement mailed 5/16/2005 and Invention I of the restriction requirement mailed 11/17/2005). Newly added Claims 51-74 correspond to the species set forth in elected Claim 12 and thus read upon the species elected in response to the Election of Species requirement (the restriction/election of species requirement mailed on 11/17/2005). Additionally, newly added dependent

Claims 52 and 65 recite common features as Claim 12, which corresponds to the elected species. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INFORMATION DISCLOSURE STATEMENT

Submitted with this Amendment and Request for Continued Examination is an Information Disclosure Statement (IDS) and 1449, which cites references cited by the Chinese examiner during the prosecution of a corresponding Chinese application.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 5-12, 15-21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa (U.S. Pat. Pub. No. 2003/0235735, hereinafter "Miyazawa") in view of Yamada (U.S. Pat. No. 5,432,023, hereinafter "Yamada"). This rejection is respectfully traversed.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazawa and Yamada, as applied to Claim 1 above, further in view of Davis (U.S. Pat. Pub. No. 2002/0001743, hereinafter "Davis"). This rejection is respectfully traversed.

For all the reasons outlined in the Appeal Brief filed February 28, 2007 and the Reply Brief filed September 11, 2007 (which are incorporated by reference), Applicants respectfully submit that a *prima facie* case of obviousness has not been met for the finally rejected claims, in particular for Claim 1 and its dependent Claims 2 and 5-23.

Newly added independent Claims 51 and 64 recite common features of an electrochemical cell having a membrane electrode assembly (MEA) comprising an

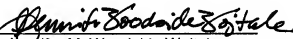
anode and a cathode as set forth in independent Claim 1. However, independent Claim 51 further recites that the liquid distribution media has an average pore size of about 0.2 to about 30 microns and independent Claim 64 further recites that the electrically conductive liquid distribution media comprises a material selected from the group consisting of: mesh, screen, foam, and sintered metal. Thus, Applicants respectfully submit that new Claims 51-74 are non-obvious over the prior art and should be in condition for allowance. Thus, the Examiner's reconsideration and allowance of Claims 1-2, 5-23 and 51-74 is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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